

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Chevron U.S.A. Inc.
El Segundo Refinery
324 West El Segundo Boulevard
El Segundo, California 90245

ID No. CAD008336901

Respondent.

Docket HWCA 20081643

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. The California Department of Toxic Substances Control (Department) and Chevron U.S.A. Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Respondent generates, treats, stores, and offers for transportation hazardous waste at 324 West El Segundo Boulevard, El Segundo, California 90245.

1.3. Inspection. The Department was notified of the self-disclosure of violations of Hazardous Waste Control Laws on August 10, 2006.

1.4. Authorization Status. Respondent was issued a Hazardous Waste Permit for hazardous waste treatment and storage on 5/2/95.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent self-disclosed the violations alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1. Respondent violated California Health and Safety Code, Chapter 6.5, section 25189.5(a) in that on or about August 1, 2006, the Respondent caused the unauthorized disposal of a hazardous waste at the Waste Management, Inc., Kettleman Hills Facility (WMI).

2.2. Respondent violated California Code of Regulations, title 22, section 66260.200(b) in that the Respondent, on or about August 1, 2006, incorrectly characterized a RCRA-F037 hazardous waste as a non-RCRA hazardous waste which was transported under manifest to WMI and disposed of improperly.

2.3. Respondent violated California Code of Regulations, title 22, section 66268.7(a)(1) in that on or about August 1, 2006, the Respondent failed to determine if a hazardous waste is regulated under Land Ban Disposal Requirements prior to disposing of the hazardous waste at WMI.

2.4. Respondent violated California Code of Regulations, title 22, section 66262.34(f) in that between July 26, 2006 and August 1, 2006, hazardous waste container 25755 which was full with F037 hazardous waste was unlabeled.

3. SCHEDULE FOR COMPLIANCE

3. Respondent has corrected the violations set forth above. Respondent self-disclosed the violations and the penalty set forth below was adjusted in accordance with the Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure, dated October 2003.

3.1. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a

satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY and PAYMENTS

5.1. Respondent shall pay the Department a penalty the total sum of \$17,727.00.

5.2 Payment of the total sum specified in paragraph 5.1, is due within 30 days from the effective date of this Order.

5.3 Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this Order, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mr. Dale Hoverman, Unit Chief
Enforcement and Emergency Response Program
1515 Tollhouse Road
Clovis, California 93611

5.4 If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection, including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 04/09/08

Gary C. Yesavage
Respondent

Dated: 04/11/08

Dale E. Hoverman
Department of Toxic Substances Control